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JAMES G. COX, E.K. MCDANIEL and  
STATE OF NEVADA, ex rel., ITS  
DEPARTMENT OF CORRECTIONS

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

SEAN KIM,

Plaintiff,

v.

STATE OF NEVADA, DEPARTMENT OF  
CORRECTIONS, JAMES G. COX,  
Individually and in his Official Capacity as  
Director of the Department of Corrections,  
and E.K. McDANIEL,

Defendants.

Case No.: 2:11-cv- 01153-LRH-RJJ

**DEFENDANTS STATE OF NEVADA,  
DEPARTMENT OF CORRECTIONS;  
JAMES G. COX; and E.K. McDANIEL's  
REQUEST FOR EXCEPTION TO ENE  
ATTENDANCE**

COME NOW Defendants, STATE OF NEVADA, ex rel. ITS DEPARTMENT OF  
CORRECTIONS; JAMES G. COX; and E.K. McDANIEL, by and through legal counsel,  
Nevada Attorney General CATHERINE CORTEZ MASTO, and Deputy Attorney General  
CHARLES MACKEY, and hereby submit their Request for exception to Defendant E.K.  
McDaniel's in person attendance at the ENE Conference.

Defendant McDaniel is located in northern Nevada. On December 13, 2011 he is  
scheduled to be at a settlement conference in federal court in Northern Nevada that was  
scheduled prior to the current matter. On December 15 he is scheduled to be the Department  
of Corrections' representative at a personnel hearing in Northern Nevada that was scheduled  
prior to the current matter. Defendant McDaniel will be available via telephone. Defendant

Cox will be present in his individual capacity as well as Director of Defendant Department of Corrections. Nancy Bowman, Attorney General Tort Claim Administrator will also be present at the Early Neutral Evaluation Conference.

Defendants' counsel has discussed the matter with Plaintiff's counsel who has no objection to Defendant McDaniel participating via telephone. Defendants therefore request Defendant McDaniel be exempted from attending in person and be allowed to participate via telephone.

DATED this 8<sup>th</sup> day of December, 2011.

CATHERINE CORTEZ MASTO  
Attorney General

By: /s/ Charles A. Mackey  
CHARLES A. MACKEY, ESQ.  
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**ORDER**

It is so ordered.

  
UNITED STATES MAGISTRATE